

OKLAHOMA WORKERS' COMPENSATION COMMISSION
SPECIAL MEETING MINUTES
JUNE 3, 2021, 2:00 P.M.

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Special Business Meeting was filed with the Secretary of State's office on Friday, May 28, 2021, at 9:04 a.m. in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE JUNE 3, 2021 SPECIAL BUSINESS MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on June 3, 2021.

Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Mark Liotta all appeared in-person.

Others Present: James Lawson, WCC; Ian Steedman, WCC; Andrea Delling, WCC; and Tranna Fischer, WCC.

Commissioner Liotta expressed appreciation for those in attendance, announced his resignation as Chairman, and relinquished the role of chairman to Chairman Russell. After the roll was taken, Chairman Russell announced the presence of a quorum. The meeting was called to order at 2:00 p.m.

1. Approval of Minutes

The minutes of the May 6, 2021, Special Meeting of the Commission were considered for approval.

Motion: Commissioner Tilly moved to approve the minutes of the May 6, 2021, Special Meeting of the Commission.

Second: Chairman Russell

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

2. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission will considered a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to the meeting, are considered routine, and was enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Motion: Commissioner Tilly moved approve the travel vouchers.

Second: Commissioner Liotta.

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

3. Request to Fully Release the Security Deposit for J&G Steel, Former Own Risk Permit #19386

J&G Steel (“the Company”), former own risk permit #19386, was a self-insured employer in the Own Risk program until March 22, 2019. The Company petitioned the Commission to fully release the Company’s security deposit on file. The Commission held a \$250,000 Letter of Credit, issued by Blue Sky Bank, as security deposit.

All claims are closed out and they all have passed that statute of limitations for reopening. The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized and answered questions of the Commission.

Motion: Commissioner Tilly moved to fully release the security deposit of J&G Steel.

Second: Commissioner Russell

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

4. Discussion and Possible Action on Lease Agreement for New WCC Tulsa Office Space

House Bill 4139 (2020) directed OMES to relocate state agencies currently housed within the Kerr Edmondson Building in Tulsa, Oklahoma, including the Workers' Compensation Commission, to a property owned by the Commissioners of the Land Office ("CLO"). CLO and OMES have identified 201 W. 5th Street in Tulsa, Oklahoma as a relocation site for the WCC's Tulsa Office. The Commission discussed and considered action on a proposed Lease Agreement with CLO and OMES to occupy this office space.

Chairman Russell presented and answered questions of the Commission.

Motion: Commissioner Tilly moved to continue this agenda item to the next business meeting.

Second: Commissioner Liotta

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

5. Discussion and Consideration of Proposed Lease for 3rd Floor Office Space for Fiscal Year 2022

The Commission discussed and considered the renewal of a lease with the Office of Management and Enterprise Services (OMES) for the 3rd Floor office space in the Denver Davison Building for FY 2022 in the amount of \$84,948.00.

Motion: Commissioner Liotta moved to approve the lease.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

6. Discussion and Consideration of Occupancy Agreement Renewal for Basement, 1st, and 2nd Floor Office Space for Fiscal Year 2022

The Commission discussed and considered the renewal of an Occupancy Agreement with the Office of Management and Enterprise Services (OMES) for the basement, 1st, and 2nd Floor office space in the Denver Davison Building for FY 2022.

Motion: Commissioner Liotta moved to approve the renewal.

Second: Commissioner Liotta

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

7. Update and Discussion of 2022 Fee Schedule Revision Process, Including Discussion of Recent Stakeholder Comments Received Regarding the 2020 Fee Schedule.

Title 85A O.S. § 50(H)(1) states the Commission shall conduct a review and update of the Medical Fee Schedule every two years. The Commission most recently adopted an updated Fee Schedule in May 2020 and has begun the process to considered updates to the 2022 Fee Schedule.

From April 14 to May 21, 2021, the Commission sought written comments on potential revisions of the current Medical Fee Schedule and ground rules for reference as it begins the review and drafting process of the proposed 2022 Medical Fee Schedules. Written comments were submitted via email, and further opportunities for public comment will be provided to stakeholders once the 2022 draft is complete. The Commission discussed the comments received.

No action was taken on this agenda item.

8. Legislative Update Report and Discussion

Chairman Russell reported on legislation affecting the Commission.

No action was taken on this agenda item.

9. Possible Executive Session Pursuant to 25 O.S. § 307(B)(1) to discuss the employment, hiring, and/or salary of Candidate A or Candidate B for the Position of Compliance Director.

A. Motion and vote to enter into Executive Session.

Motion: Commissioner Liotta moved to enter into Executive Session.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

B. **Discussion in Executive Session.** The Commission discussed only the topic stated in this agenda item.

C. **Motion and vote to reconvene in Open Session.**

Motion: Commissioner Tilly moved to reconvene in Open Session.

Second: Commissioner Liotta

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

D. **Motion and vote on Possible Action.**

Motion: Commissioner Tilly moved to reach out to Candidate B and to re-advertise the position with the salary range discussed in Executive Session.

Second: Commissioner Liotta

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

10. Proposed Executive Session pursuant to 25 O.S. § 307(B)(4) to confidentially discuss the BFN Operations Bankruptcy matter and vote on next steps, where Commission General Counsel has determined the disclosure of such confidential communications will seriously impair the ability of the Commission to process the claim and pending litigation.

A. **Motion and vote to enter into Executive Session.**

Motion: Commissioner Liotta moved to enter into Executive Session.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

B. **Discussion in Executive Session.** The Commission discussed only the topic stated in this agenda item.

C. **Motion and vote to reconvene in Open Session.**

Motion: Commissioner Tilly moved to reconvene in Open Session.

Second: Commissioner Liotta

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

D. Motion and vote on Possible Action.

Motion: Commissioner Tilly moved to proceed pursuant to the Commission's bankruptcy attorney's recommendation.

Second: Commissioner Liotta

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

11. Announcements

The Commission's next dual PAC meeting is on Friday, June 11, 2021. The Commission's next regular business meeting is on Thursday, June 17, 2021.

ADJOURNMENT.....Chairman Jordan Russell

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Liotta

Those voting aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

The motion carried.

The meeting adjourned at 3:00 p.m.